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Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Argentina, Australia*, Austria, Belgium*, Bulgaria, Canada, Chile, Cyprus*, Czech Republic, Denmark, Estonia*, Finland*, France, Germany, Greece*, Hungary*, Iceland*, Ireland, Italy, Kenya*, Latvia*, Liechtenstein*, Luxembourg*, Madagascar, Netherlands, Norway*, Poland*, Portugal*, Romania*, San Marino*, Senegal*, Slovakia*, Slovenia*, South Africa, Spain*, Sweden*, Switzerland*, The Former Yugoslav Republic of Macedonia*, United Kingdom of Great Britain and Northern Ireland and Uruguay: draft resolution

1997/... Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person,

Having regard to the relevant provisions of the International Covenant on Civil and Political Rights and the other conventions, protocols, declarations and resolutions that form the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including those enumerated in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Mindful of General Assembly resolutions on the subject of summary or arbitrary executions, of which the latest is 51/92 of 12 December 1996,

Recalling also Economic and Social Council resolution 1984/50 of 25 May 1984 and the Safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto and Economic and Social Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Deeply alarmed at the persistence, on a large scale, of extrajudicial, summary or arbitrary executions, in all parts of the world,

Dismayed that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions in those countries,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the fundamental right to life,

1. Strongly condemns once again all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. Demands that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions be brought to an end and that they take effective action to combat and eliminate the phenomenon;

3. Notes that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

4. Reiterates the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, arbitrary or summary executions, to identify and bring to justice those responsible, to grant adequate compensation to the victims or their families and to adopt all necessary measures to prevent the recurrence of such executions;

5. Encourages the Governments of all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, taking into account the

safeguards and guarantees referred to in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989;

6. Takes note of the report of the Special Rapporteur, including his recommendations (E/CN.4/1997/60 and Add.1);

7. Notes the important role the Special Rapporteur has played towards the elimination of extrajudicial, summary or arbitrary executions and encourages him to continue, within the framework of his mandate, to seek the views and comments of all concerned, including Governments, in order to be able to respond effectively to reliable information that comes before him and to follow up on communications and country visits;

8. Requests the Special Rapporteur, in carrying out his mandate;

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit on an annual basis his findings, together with conclusions and recommendations, to the Commission on Human Rights, as well as such other reports as the Special Rapporteur deems necessary in order to keep the Commission on Human Rights informed about such serious situations of extrajudicial, summary or arbitrary executions as warrant its immediate attention;

(b) To respond effectively to information which comes before him, in particular when an extrajudicial, summary or arbitrary execution is imminent or seriously threatened or when such an execution has occurred;

(c) To enhance further his dialogue with Governments, as well as to follow up on recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(e) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals who are carrying out peaceful activities in defence of human rights and fundamental freedoms;

(f) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the

Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(g) To apply a gender-perspective in his work;

9. Urges the Special Rapporteur to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary executions as are of particularly serious concern to him or where early action might prevent further deterioration;

10. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights and encourages the Special Rapporteur to continue efforts in this regard;

11. Urges Governments to undertake all necessary and possible measures to prevent loss of life during situations of public manifestations, internal and communal violence, disturbances, tension and public emergency or armed conflicts, and to ensure that the police and security forces receive thorough training in human rights matters, in particular, with regard to restrictions on the use of force and firearms in the discharge of their functions;

12. Appeals to all Governments to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and, where applicable, in the 1949 Geneva Conventions and the 1977 Protocols thereto in relation to the treatment of prisoners in armed conflicts, and other pertinent international instruments;

13. Strongly urges all Governments:

(a) To cooperate with and assist the Special Rapporteur so that his mandate may be carried out effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when he so requests, in keeping with the usual terms of reference for missions by Special Rapporteurs of the Commission on Human Rights;

(b) To respond to the communications transmitted to them by the Special Rapporteur;

14. Expresses its appreciation to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by him, invites them to report to the

Special Rapporteur on action taken on these recommendations, and requests other Governments, including those mentioned in the report of the Special Rapporteur, to cooperate in a similar way;

15. Expresses its concern that a number of Governments mentioned in the report of the Special Rapporteur have not replied to specific allegations and reports of extrajudicial, summary or arbitrary executions transmitted to them by the Special Rapporteur;

16. Encourages Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations, as appropriate, to initiate, coordinate or support programmes designed to train and educate military forces, law enforcement officers and government officials, as well as members of the United Nations peace-keeping or observer missions, on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

17. Requests the Secretary-General to provide the Special Rapporteur, from within existing resources, with additional human, financial and material resources, in order to enable him to carry out his mandate effectively, including through country visits;

18. Also requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

19. Further requests the Secretary-General to continue, in close collaboration with the United Nations High Commissioner for Human Rights, in conformity with his mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious human rights violations, such as extrajudicial, summary or arbitrary executions;

20. Decides to consider the question of extrajudicial, summary or arbitrary executions as a matter of priority at its fifty-fourth session under the item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".